



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

August 27, 2014

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First District

MARK RIDLEY-THOMAS
Second District

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Third District

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Fourth District

MICHAEL D. ANTONOVICH
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To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer 

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Status of County-Sponsored Legislation**
 - **County-co-sponsored AB 1607 (Fox)** – related to the process by which the county of domicile is determined for a Sexually Violent Predator being considered for conditional release from a State prison, passed the Assembly Floor on August 27, 2014, and now proceeds to the Governor.
- **Status of County-Advocacy Legislation**
 - **County-supported AB 935 (Frazier)** – related to veterans designation on California drivers' licenses, passed the Assembly Floor on August 26, 2014, and now proceeds to the Governor.
 - **County-supported AB 2150 (Rendon)** – related to deferred State park maintenance projects, passed the Assembly Floor on August 25, 2014, and now proceeds to the Governor.
 - **County-supported AB 2328 (Pérez)** – related to the California AmeriCorps Volunteer Program, passed the Assembly Floor on August 25, 2014, and now proceeds to the Governor.

"To Enrich Lives Through Effective And Caring Service"

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- **County-opposed SB 388 (Lieu)** – related to representation for public safety officers and firefighters at investigative hearings, passed the Assembly Floor on August 25, 2014, and now proceeds to the Governor.
 - **Status of Legislation of County Interest.** Reports on two measures of County interest related to: 1) the Social Innovation Financing Program to reduce recidivism; and 2) the proposed Los Angeles County Deferral of Sentencing Pilot Program.
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Status of County-Sponsored Legislation

County-co-sponsored AB 1607 (Fox), which as amended on August 22, 2014, would clarify the process by which the county of domicile is determined for a Sexually Violent Predator being considered for conditional release from State prison, to require the county, or counties of potential domicile, to be given notice of the domicile hearing and an opportunity to submit declarations and present documentary evidence regarding issues of domicile placement, passed the Assembly Floor, by a vote of 64 to 0, on August 27, 2014. This measure now proceeds to the Governor.

Status of County-Advocacy Legislation

County-supported AB 935 (Frazier), which as amended on August 21, 2014, would allow an applicant for a California driver's license or identification card to request that the driver's license or identification card be printed with the word "VETERAN" subject to verification of the applicant's veteran status, passed the Assembly Floor, in concurrence of Senate amendments, by a vote of 78 to 0 on August 26, 2014. This measure now proceeds to the Governor.

County-supported AB 2150 (Rendon), which as amended on August 19, 2014, would require the California Department of Parks and Recreation to: 1) identify and develop a priority list of deferred State park maintenance projects; 2) apply specified factors when prioritizing and identifying deferred State park maintenance projects; and 3) extend the prohibition against closing or proposing to close a State park through FY 2014-15, passed the Assembly Floor, in concurrence of the Senate amendments, by a vote of 57 to 20, on August 25, 2014. This measure now proceeds to the Governor.

County-supported AB 2328 (Pérez), which as amended on August 19, 2014, would establish the California AmeriCorps Program to administer Federal AmeriCorps Program grants to recruit, train, and place volunteers in community settings and to provide student loan assistance for the volunteers, passed the Assembly Floor by a vote of 78 to 1 on August 25, 2014. This measure now proceeds to the Governor.

County-opposed SB 388 (Lieu), which as amended on January 17, 2014, would provide that when a public safety officer or firefighter is subject to interrogation, but not formally under investigation, in a matter that may result in punitive action against a public safety officer or firefighter, he/she is entitled to representation, passed the Assembly Floor by a vote of 73 to 4 on August 25, 2014. This measure now proceeds to the Governor.

Legislation of County Interest

AB 1837 (Atkins), which as amended on August 21, 2014, would establish, until January 1, 2020, the Social Innovation Financing Program which would provide grants to three counties for the purpose of utilizing pay-for-success contracts to reduce recidivism.

Existing law requires the Board of State and Community Corrections to develop incentives for local governments to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services to a broader target population and maximize the impact of state funds at the local level.

AB 1837 would establish, until January 1, 2020, the Social Innovation Financing Program, which would be funded through the State's Recidivism Reduction Fund. Under this program, the Board of State and Community Corrections (BSCC) would partner with three counties to apply pay-for-success contracting to reduce the recidivism rate of formally incarcerated individuals. Proposals from interested counties would require a description of the proposed social program, quantifiable results and performance thresholds by which success would be measured, amount of matching funds to be provided by the county, among others. The BSCC would select three counties to receive grant funding in an amount between \$500,000 to \$2.0 million per county. Under this grant program, counties would need to make contract payments conditional upon the achievement of specified outcomes.

AB 1837 passed the Assembly Floor by a vote of 63 to 0 on August 27, 2014. This measure now proceeds to the Governor.

AB 2124 (Lowenthal), which as amended on August 22, 2014, would until January 1, 2018, establish a pilot program in Los Angeles County to authorize a superior court judge to defer sentencing a first-time misdemeanor defendant, with certain exceptions, for up to 12 months. Under this measure, the judge may order the defendant to comply with appropriate terms, conditions, or programs, which upon completion would allow the judge to strike the defendant's plea and dismiss the action against the defendant.

Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion

programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

As amended, AB 2124 would enact, until January 1, 2018, the Deferral of Sentencing Pilot Program in the County which would:

- allow superior court judges in the County of Los Angeles, at their discretion and over the objection of the prosecution, to defer sentencing for certain first-time misdemeanor defendants for a period not to exceed 12 months;
- allow the judge, after the deferral period, to strike the defendant's plea and dismiss the action against the defendant provided that the defendant has completed all conditions ordered by the court and made full restitution;
- disqualify a defendant from these provisions under certain criteria, including if the defendant: has been convicted of any misdemeanor in the previous 10 years, a misdemeanor involving force or violence, or a felony; has had his or her sentence deferred pursuant to this chapter or any other law; is required to serve mandatory incarceration upon conviction; is required to register as a sex offender; among others.

This bill specifies that it would apply to first-time misdemeanor defendants in order to reduce the stigma that is often associated with a criminal record. Additionally, AB 2124 cites Legislative intent that no new diversion programs are created, and that judges shall order a defendant, for whom judgment is deferred, to complete the same obligations that would have been imposed had judgment been entered.

The District Attorney's office, which opposes the bill, indicates that the pilot program as proposed by AB 2124 is unnecessary and overreaching as the County already manages its own diversion programs, which are also in the process of being expanded. The District Attorney's office further notes that this bill, is hastily amended, does not take into consideration other offenses that should be excluded from sentencing deferral. For example, while the bill excludes force or violence against a peace officer, it neglects to exclude charges of attempted force or violence against a peace officer, or threats of violence. The District Attorney's office believes that it is in the best interest of County residents that diversion programs be developed locally under the auspices of prosecutors, and through the collaboration of all of the stakeholders, including the Superior Court.

AB 2124 is similar to AB 994 (Lowenthal) of 2013, which would have authorized the prosecuting attorney or the Superior Court to offer diversion for first time misdemeanor defendants. AB 994 was vetoed by Governor Brown on October 13, 2014. In his veto

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message, the Governor stated that counties can establish diversion programs under current law, and that many already have excellent diversion programs that suit their local circumstances. The Governor further noted that prosecutors and counties are best situated to decide whether, or what kind of, a diversion program would be appropriate.

AB 2124 is supported by the American Probation and Parole Association; California Attorneys for Criminal Justice; California Judges Association; Californians for Safety and Justice; Conference of California Bar Associations; Judicial Council of California; Los Angeles County Superior Court; Pacific Educational Services, Inc.; and Taxpayers for Improving Public Safety. This measure is opposed by the Alameda County District Attorney's Office; Anaheim City Attorney's Office; California District Attorneys Association; California Partnership to End Domestic Violence; Citizens for Law and Order; Crime Victims Action Alliance; and Los Angeles County District Attorney's Office.

This office is working with affected departments to identify the potential impact of AB 2124 to the County.

This measure is currently on the Senate Floor.

We will continue to keep you advised.

WTF:RA
MR:VE:IGEA:lm

c: All Department Heads
Legislative Strategist